

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE TRUSTEES OF COLUMBIA :  
UNIVERSITY IN THE CITY OF NEW YORK, :  
ET AL., :

Plaintiff, :

-against- :

ENCYCLOPAEDIA IRANICA FOUNDATION, :

Defendant. :

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ENCYCLOPAEDIA IRANICA FOUNDATION, :  
INC., :

Plaintiff, :

-against- :

THE TRUSTEES OF COLUMBIA UNIVERSITY :  
IN THE CITY OF NEW YORK, ET AL., :

Defendant. :

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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

ORDER

19-CV-7465 (AT)(KNF)

ORDER

19-CV-8562 (AT)(KNF)

Through an Order dated July 3, 2020, the Court directed the plaintiff to “submit an affidavit to the Court from the plaintiff’s chief health and safety officer explaining, with particularity, why the unoccupied space(s) at 450 Riverside Drive, New York, New York, where the . . . inventory must be conducted cannot be entered by the inventory vendor and a representative of each party, until, . . . a global protocol is established by the plaintiff’s university for entering into every office under the university’s control, regardless of whether the office is at present occupied by any of the plaintiff’s personnel.” In response, the plaintiff submitted the declaration of David Greenberg (“Greenberg”), Columbia University’s executive vice president

for university facilities and operations. Two things of relevance emerge from the declaration, once one wades through that prolix document: 1) a procedure specific for the safe entry, by the inventory vendor and the parties' representatives, into the relevant space(s) at 450 Riverside Drive can be created. Greenberg opines that it would be difficult, because the university had not planned to devote its resources to such a project, but it is doable; and 2) the university already has a relevant protocol in place, its "Vendor Clearance to Visit Campus" which is applicable to "[v]isitors, contractors, consultants and other service providers requiring access to University buildings and locations." According to Greenberg, this protocol allows, inter alia, visitors, vendors and consultants to access the university's facilities "provided [they comply] with the screening and other requirements and protocols outlined in [the Vendor Clearance to Visit Campus] policy."

Based on Greenberg's declaration, the Vendor Clearance to Visit Campus protocol seems to govern both the inventory vendor's access to the relevant space(s) at 450 Riverside Drive and that of the parties' representatives who would observe the vendor's work. Counsel to Encyclopaedia Iranica Foundation, Inc. proposed, in a July 21, 2020 letter to the Court, that the parties' representatives observe the inventory vendor's prosecution of the inventory work "remotely using ZOOM or another virtual platform." This proposal is reasonable and, if adopted by the parties, may facilitate the safe, expeditious and efficient inventory directed by the assigned district judge to be undertaken. It may be that some modification(s) to the existing Vendor Clearance to Visit Campus protocol keyed specifically to the inventory vendor's particular assignment might have to be made; however, that should not be an onerous task for Greenberg given the existence of the template, the Vendor Clearance to Visit Campus protocol. The parties should advise Greenberg of the date and time when the inventory vendor will resume

the inventory and share with Greenberg any information he may need to ensure that access to the relevant space(s) at 450 Riverside Drive will be provided and, to the extent reasonably practicable, the safety of the premises and those who visit it for the inventory will be maintained.

Dated: New York, New York  
July 24, 2020

SO ORDERED:

  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE